

REMARKS

The Office Action, mailed January 25, 2008, considered and rejected claims 143-160, 163-165 and 170-191. Claims 143, 144, 146, 147, 149, 155-157, 161-163, and 190 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak* (U.S. Patent No. 5,838,319) in view of *Yagi* (U.S. Publ. No. 2002/0059288), *Barnett* (U.S. Patent No. 7,174,517) and *Kambayashi* (U.S. Patent No. 6,163,799). Claims 145, 148, 150, 164, 165, 170-173, 176-189, and 191 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak* in view of *Yagi* and *Barnett*, and further in view of *Huang* (U.S. Patent No. 6,571,245). Claims 151-154 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak*, *Yagi*, *Barnett*, and *Kambayashi*, and further in view of *Reilly* (U.S. Patent No. 5,740,549). Claims 174 and 175 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak*, *Yagi*, *Barnett*, *Kambayashi*, and *Huang*, in view of *Reilly*. Claims 158, 159 and 160 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak*, *Yagi*, *Barnett*, and *Kambayashi*, in view of *Leong* (U.S. Patent No. 5,513,342).¹

By this paper, no claims have been amended, cancelled, or added. Accordingly, following this paper, claims 143-160, 163-165 and 170-191 remain pending, of which claims 143, 164, 189 and 190 are the independent claims at issue. With regard to the rejections of record for each of the pending claims, Applicant respectfully traverses and submits that the rejection was made in clear error.

As previously discussed with the Examiner, Applicant's claims generally relate to a user interface that provides hierarchical links, and which is displayed automatically, upon initial start-up of the operating system. For example, claim 143 recites a method for displaying a user interface for finding and selecting such resources, and includes displaying a top-level page automatically, upon the initial start-up of the operating system of a computing system. At the top-level page, and initially displayed and visible thereon, are multiple categories. Each of the multiple categories includes a higher level category heading and a lower list of resources. The category heading identifies a relationship between each of the listed resources and has a link to a category page which includes links to resources which are related by the identified relationship.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The relationship between the resources under the various headings, whether in the list or on the category page, is unrelated to the source location where the resources can be found, and each includes a link by which a desired resource can be accessed. Accordingly, when the top-level page is initially displayed, a set of headings and a corresponding list of resources for the headings, are each displayed.

Independent claim 190 recites a system generally corresponding to the method of claim 143, and independent claims 164 and 189 recite a similar method and computer-readable medium that further include registering a plurality of local and remote resources at a computing system and identifying local relationships between the resources. In the method, a shell interface is displayed with a start page having a customized heading region identifying the start page and having a link to customize the page. A hierarchical links region is also on the start page with multiple categories, including an activity center category with links that, when selected, replace the entire start page with a second-level category page also having a heading associated with the selected category on the start page, and in which the secondary page includes links to local and remote resources related by a particular theme.

Initially, with regard to the rejections of claims 164 and 189, Applicant notes that the rejection was made in clear error. Specifically, the rejection is made under 35 U.S.C. § 103(a) based upon a combination of *Guzak*, *Yagi*, *Barnett* and *Huang*. (Office Action, p. 10). In each of these claims, the corresponding method and computer program product recite the display of a user interface which provides hierarchically arranged links in a shell interface and that is displayed automatically, upon initial start-up of the operating system of the computing system, as recited in combination with the other claim elements. With respect to the initial display of a hierarchically arranged page/interface, the Office has acknowledged that such a teaching is deficient from the combined teachings of *Guzak*, *Yagi* and *Barnett*. (Office Action, pp. 9, 10). Applicant respectfully submits that such a teaching, or even reasonable support therefore, is also clearly absent from *Huang*.

In particular, *Huang* discloses a system and a method for providing a virtual desktop in a virtual computing environment to a computer platform that may communicate with a network of server computers. Specifically, *Huang* teaches maintaining a user's preferred desktop and its look and feel, including a number of file folder structures and links to various resources in which

the user is accustomed to on the primary computer platform. These desktop aspects are maintained on one or more network servers such that a user may retrieve the desktop settings at any local computer, laptop computer, or other computing platform. The system of *Huang* does not, however, operate as a standalone system that may function, and can operate only by retrieving its settings from a network server.

Huang thus merely discloses that a user can log-in to a network server and obtain a desktop much like the desktop on the personal computer. Notably, however, this requires that the user first make a request to the network. More particularly, the user's computing system sends a URL request to the server. In response, if the user logs in successfully, the virtual desktop page is retrieved from a store and provided to the user's client system. In other words, the virtual desktop doesn't appear automatically upon start-up, but is instead displayed in request to a user request to a remote server.

As no other references were used in the rejection of independent claims 164 and 189, Applicant respectfully submits that the rejection was clear error.

Now turning to independent claims 143 and 140, Applicant further submits that the claims are also patentable over the art of record and the rejection was clear error. In particular, as noted above, the Office rejected such claims under a combination of *Guzak*, *Yagi*, *Barnett* and *Kambayashi*, and acknowledged that *Guzak*, *Yagi* and *Barnett* fail to disclose the display of the top-level page of hierarchical links upon the initial start-up of the operating system of the computer. (Office Action, p. 10). In fact, these references not only fail to disclose such a feature, but each relate expressly to the display of information using applications which must be initiated by a user only after start-up has completed.

Accordingly, the Office turns to the *Kambayashi* reference, which Applicant submits fails to remedy the deficiencies of the other art of record, and that the rejection is thus clear error. Specifically, *Kambayashi* discloses a communication navigation system which enables users to find others who are interested in the same topic. More particularly, as users access network resources, there may be multiple people who simultaneously refer to the same information. *Kambayashi* thus provides an interface that allows users to see what other users are simultaneously accessing the same information and then communicate with those users.

The manner in which *Kambayashi* does so is through a distributed system in which a server has access to information that is requested by the user. (Col. 7, ll. 45, 46). The server

maintains a home page and when a request is made, the Internet-based home page is displayed and includes information about the person who is referring to the same information that the user is trying to access. (Col. 7, ll. 45-54).

Thus, *Kambayashi* discloses the use of a remotely stored home page that is displayed when a user and another person access the same information. Notably, however, *Kambayashi* has no reference to any page, whether it include hierarchical links or not, that is displayed to the user automatically upon the initial start-up of the operating system of the computer, or even upon the start-up of a computer itself. Instead, *Kambayashi* discloses a system in which a browser home page is displayed when two users access the same information. Inasmuch as the computer system clearly must have already been started for the user to request access to a particular resource over the Internet, *Kambayashi* thus discloses only that a home page can be displayed in response to a user request, but has nothing to do with automatically displaying a page upon initial start-up of the operating system.

In fact, the only portion cited by the Office for teaching the start-up of the top-level page automatically, upon the initial start-up of the operating system, is Column 13, line 45 to Column 14, line 15. Such a section states, in its entirety:

Under such background, the communication system of the present embodiment will be described with reference to FIGS. 12 to 14.

In FIG. 12, a screen of ?? according to the present embodiment is exemplified. The section of 21 in FIG. 12 is a reference data display section, that is, the usual WWW screen, and sections below this section 21 are for displays by the extension function.

First, people who gather to the data reference is displayed in the section of 22 in FIG. 12. In this section, mainly functions relating to the simultaneous communication are displayed. In the example shown in FIG. 12, photographs and names are displayed (Section 24 of FIG. 12). The icons above the photographs express, for example, "talk", "e-mail" and "reference to the home page" from the left side. When users click the image 24 of the displayed person after clicking either of these icons 24, the desired action (for example, telephone call) can be realized.

Below this simultaneous communication-related display section 22, common file-related section 25 is displayed. The icon 26 standing in a line first is for activating the PC application, and they show, for example, "highly functional word processor", "table computing tool", "simple-type word processor", and "image tool" from the left side in order. These icons 26 function as a kind of network launcher. In addition, when "object's

new registration" button 27 is pushed, the file registration dialogue is displayed. And, the data displayed by icon 28 is a common file. These data are composed of, for example, AVI file, and by clicking this, animation with voices is reproduced.

Furthermore, icon 30 is used when a new server system is formed by reproducing the now referred server system, or when plural server systems are merged into one server system.

Accordingly, *Kambayashi* discloses a system in which a "usual" browser (i.e., WWW screen) is used to implement the communication interface. Such disclosure primarily notes the various aspects of what are on the display screen, including icons, photographs, etc, as well as application links. Notably, however, nothing in this section, or in any other portion of *Kambayashi* as the reference is best understood by Applicant, discloses that any portion of a display of the system is displayed automatically upon the initial start-up of the operating system. At best, *Kambayashi* discloses that the system is initiated upon request by a user, such that there is nothing automatic about the initial start-up.

Further, the Office states that one of skill in the art would have included the teachings of *Kambayashi* with the other art of record to provide a communication method and system which makes it possible to present the network resources changing on a real-time basis from various points of view, without applying excessive load to the center, and to switch the viewpoints optionally according to its respective users convenience. (Office Action, p. 5). Applicant further notes that such a benefit, if desired, would nonetheless be available for an application that is initiated by the user, and is not tied to automatic display of a particular interface upon initial start-up of the computer system's operating system.

As noted above, *Guzak*, *Yagi* and *Barnett* not only fail to disclose display of the hierarchical page automatically, and upon initial start-up of the operating system, but expressly disclose the opposite, namely that a page of hierarchical links is displayed only after user request. Briefly, Applicant notes that even if *Kambayashi* did disclose display of such a hierarchical page of links upon initial start-up of the operating system, such a teaching would then directly contradict the teachings in the *Guzak*, *Yagi* and *Barnett* references.

As noted in the M.P.E.P., where the teachings of the prior art conflict, the Examiner is required to not only supply a suggestion or motivation to combine, but to weigh the power of

each reference to suggest solutions to one of ordinary skill in the art, considering the degree to which one reference might accurately discredit another. (M.P.E.P. § 2143.01).

Should such a weighing occur, Applicant respectfully submits that it would necessarily result in a conclusion that the artisan skilled in the art at the time of the invention would not have started the top-level page automatically upon initial start-up of the computer system, but would have waited for a user request or other user-intervention. For instance, *Guzak* describes, in detail, the Windows Explorer system implanted in the Windows operating system, and which is readily known to require a specific request for its execution. Such is largely required as the desktop of the computer provides a list of icons in a non-hierarchical fashion and which are readily accessible by the user. If the user wants to manage the system or view related resources, which its not the typical request from the desktop, the user can request the Windows Explorer interface. On the other hand, *Kambayashi* has nothing to do with general system resources available to the computer, but is limited to a specific Internet browser that operates when multiple users are simultaneously accessing the same shared resource. In other words, *Guzak* specifically relates to the desirability of a system in which a user can view resources in the intuitive icon-based system and then access related resources only when upon request, while the *Kambayashi* reference provides no reason why any system would start the browser automatically. In fact, as noted above, the system in *Kambayashi* is initiated in response to a user request so that it expressly teaches away from the claimed subject matter of automatically starting a page in the initial start-up of the computer system (i.e., without a user request for the interface).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.² Furthermore, to the extent that the Examiner has relied on any

² By way of example only, the Office has rejected claims 145, 148 and 150, each of which depend from claim 143, based on a combination of references which do not include *Kambayashi*. The Office states, on one hand, that *Guzak*, *Yagi*, and *Barnett* teach a user interface as recited in claim 143 (Office Action, pp. 10, 11). Nevertheless, the Office also specifically notes that

Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 23rd day of May, 2008.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
COLBY C. NUTTALL
Registration No. 58,146
Attorneys for Applicant
Customer No. 047973

RDN:CCN:gd
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Guzak, Yagi, and Barnett do not in fact teach the user interface recited in claim 143 (Office Action, pp. 9, 10). Accordingly, the rejection of claims 145, 148 and 150 as cited by the Office is also clear error.